# 1AC – Ordinances

## 1AC

### Harms

#### Welcome to the housing renaissance- ordinances are the new Jim Crow as undocumented migrants face rising challenges towards adequate housing.

**Lal 13** Lal, Prerna, You Cannot Live Here — Restrictive Housing Ordinances as the New Jim Crow (June 1, 2013)

Following the failure of comprehensive immigration reform in 2006 and 2007, local **leaders in over a hundred municipalities considered ordinances to control immigration populations**, particularly the growth of Latinos in their neighborhoods. These ordinances varied in aggression but the gist of these policies was **to prohibit undocumented immigrants from renting in the jurisdiction, impose civil and monetary penalties for landlords who rented to undocumented immigrants,** deny business licenses to those employers who hired undocumented immigrants, **and adopt English as the official language** (Oliveri, 2009; Romero, 2008). Varsanyi (2008) explains this proliferation of anti-immigrant ordinances by pointing to **[I]mmigrant-driven demographics, which [has] generated social and cultural changes that seem threatening to many people,** and these perceived threats have resulted in legislation aimed at controlling or expelling new residents. Ramakrishnan and Wong (2007) contend that the rise in local immigration legislation is a result of Republican Party dominance at the local level since most of the jurisdictions adopting restrictive ordinances were not experiencing an influx of new immigrants. What is missing from these explanations is a sustained inquiry into the role of race in explaining state and local efforts to limit immigrants in their jurisdiction. I contend that **the proliferation of local anti-immigrant restrictive housing ordinances in predominantly white residential areas was motivated by racial animus towards Latinos, and parallel[s]ed Jim Crow era racial zoning laws and sundown towns.**

#### At the heart of these ordinances is a drive to construct all immigrants as a threat to white suburban living- ordinances are just an excuse for racist sentiments.

**Bono** Marisa. “ Don't You Be My Neighbor: Restrictive Housing Ordinances as the New Jim Crow.” The Modern American, SummerFall, 2007, 29-38.

**A closer examination of the reasons set forth by public officials to justify targeting undocumented immigrants, reveals that they are not only unfounded, but do not distinguish between undocumented immigrants and Latinos in general.** Furthermore, localities do not avail themselves of alternative solutions that refrain from targeting subordinated groups of people. Put simply, in light of these considerations, **the only conclusion a critical observer can reach is that these justifications are pretexts for racial exclusion.** When Farmers Branch councilmember O’Hare stated publicly that it was necessary to protect property values,68 the city failed to offer any connection between immigration status and problems related to health, safety, welfare, or declining property values. Worse, Farmers Branch did not show that those problems even existed.69 Neither O’Hare nor other proponents of the ordinance pointed to any studies, reports, or statistics to support a correlation between immigration status and societal ills. In fact, at the same time as the touted increase in the Farmers Branch Latino population, the total number of criminal offenses in Farmers Branch declined – from 1,413 in 2003 to 1,306 in 2005.70 The Texas Educational Agency recently recognized schools in the Carrolton Farmers Branch School District for academic excellence in the 2004-2005 school year, an achievement those schools had not obtained in recently preceding years.71 Furthermore, O’Hare’s public comments did not distinguish between undocumented immigrants and Latinos. To explain fluctuations in property values, O’Hare reasoned that “what I would call less desirable people move into the neighborhoods, people who don’t value education, people who don't value taking care of their properties....”72 He claimed that retail operations cater to low-income and Spanish-speaking customers, leaving “no place for people with a good income to shop.”73 Yet, his statements again fail to discern between undocumented immigrants and Latinos in general.74 Similarly, the City of Escondido based its ordinance on findings that “the harboring of illegal aliens in dwelling units in the City, and crime committed by illegal aliens, harm the health, safety and welfare of legal residents in the City.”75 Unlike the City of Farmers Branch, Escondido relied on a June 2006 study by the National Latino Research Center at California State University San Marcos (hereafter “NLRC study”) addressing housing conditions in the Mission Park area of Escondido.76 The NLRC study, however, found that the causes for substandard housing in Escondido were the high costs of housing and the unavailability of affordable subsidized housing in Escondido – not the presence of “illegal aliens.”77 In Hazleton, Mayor Ray Barletta insisted “that illegal immigration leads to higher crime rates, contributes to overcrowded classrooms and failing schools, subjects our hospitals to fiscal hardship and legal residents to substandard quality of care, and destroys our neighborhoods and diminishes our overall quality of life.”78 Yet, he has also publicly admitted that he does not know how many “illegal aliens” live, work, or attend school in the city, or how many Hazleton crimes have been committed by “illegal immigrants,” legal residents, or citizens.79 Furthermore, according to statistics compiled by the Pennsylvania State Police Uniform Crime Reporting System, there has been a reduction of total arrests in Hazleton over the past five years, including a reduction in serious crimes such as rapes, robberies, homicides, and assaults.80 Under Hazleton’s violent crime index (VCI), undocumented immigrants committed no violent crime until 2006, when three such cases were reported out of 1,397.81 Barletta also claimed that Hazleton’s budget was “buckling under the strain of illegal immigrants,” but admitted that he was unaware how many undocumented workers contributed to the city’s budget by paying taxes.82 In 2000, Hazleton had a $1.2 million deficit, in stark contrast to the surplus it enjoys today.83 The town also saw its largest increase in property values last year.84 Its net assets are up 18%, and its bond rating is AAA.85 Amidst the baseless assertions about immigrants, **legal alternatives exist that would more directly address the tribulations claimed by public officials.** For example, it is not clear why a city, without evidence showing the cause-and-effect between blight-like overcrowding and a certain class of residents, would not pursue remedies that did not target that group of residents. Where concerns about property values arise, a city could enforce stricter penalties for landlords who were not keeping their buildings up to code. Where the occurrence of crime is shown to be increasing, a city could fund community watch programs in appropriate areas, if not train and hire additional police officers. **There are myriad alternative solutions to these alleged societal woes. Yet none are being utilized by cities that turn to restrictive housing ordinances. Thus, municipalities with restrictive housing ordinances fail to show a connection between the presence of immigrant populations and alleged societal harms.** They also ignore less restrictive solutions that would more directly address those harms to the extent that they actually exist. Moreover, municipalities that pass restrictive housing ordinances simultaneously incur overwhelming legal and economic costs that they are often unable to afford. For example, after Riverside, New Jersey, passed a restrictive ordinance in the fall of 2006, thousands of Latinos fled the community, creating a forceful blow to the local economy. Local businesses floundered, and many were forced to close.86 By the time Riverside voted to rescind the ordinance a year later, it had already spent $82,000 in attorney’s fees fending off a legal challenge to its law.87 It is likely that Riverside would have spent many times that amount had it seen the challenge through to conclusion. Thus, the record of these cities reveals the intent behind the legal exclusion of the undocumented. In short, **local governments’ willingness to engage in certain behavior** – ignoring the variety of obvious legal solutions, willingly incurring staggering economic and legal costs, and simultaneously admitting to the nonexistence of evidence that **link[ing]s predominantly Latino undocumented immigrant populations to threatened safety or welfare – speaks for itself. The intent behind exclusionary ordinances is to use immigration status as a pretext for the racial exclusion of Latinos.**

#### It’s only going to get worse under Donald Trump’s attempts to “Make America Great Again”. Ben Carson, for example don’t even believe in the anti-discrimination laws that exist in the squo.

**Williams 2-1** [Jumaane D. Williams (Deputy leader, New York City Council), Ben Carson is dangerous for HUD. He got the job anyway because Trump has normalized incompetence, Quartz, 2/1/2017. https://qz.com/899568/donald-trumps-cabinet-confirmations-ben-carsons-hud-secretary-confirmation-is-a-dangerous-normalization-of-incompetence/]

One example is his opposition on a HUD staple: the fair housing rule. **This country has a** long **history of** systematically **denying** **housing to black and brown Americans**. Indeed, US president Donald Trump and his father have also been accused of housing discrimination. **The Affirmatively Furthering Fair Housing program exists to address these issues by requiring local communities to examine patterns of income and racial discrimination in housing**. Yet **Carson believes these types of preventive measures** against discrimination **are “mandated social-engineering schemes**.” Further, **he believes it is not the role of the government to “legislate racial equality,**” which in his words can be “downright dangerous.” Another cause for major concern is **Caron’s belief that poverty is a choice**. HUD oversees federal rental assistance programs that serve more than five million of the country’s lowest-income families. The agency is also provides federal government funding for the nation’s public housing developments. A great number of these families live in New York, including the country’s largest public housing system.

#### The root of the justifications lies in a loophole in federal policy- currently, even through the Fair Housing Act would render ordinances unconstitutional, they are permitted under the guise of state rights.

**Batson 08** Todd D. Batson, No Vacancy: Why Immigrant Housing Ordinances Violate FHA and Section 1981, 74 Brook. L. Rev. (2008). Available at: <http://brooklynworks.brooklaw.edu/blr/vol74/iss1/5>

The United States has always faced immigration challenges. After the Pilgrims established the first U.S. colony in New England,2 an ensuing immigration stream grew the U.S. population to over 300 million people within 386 years.3 This population growth has increased the demands for social services and the costs required to maintain infrastructure.4 As one response to these rising costs and other immigration concerns, **state and municipal governments have enacted local laws to regulate immigrant housing.'**

Yet **while Congress has exclusive power to regulate immigration, there is no** per se federal **preemption of every state and municipal immigration law**.6 Rather, **federal immigration laws only preempt those state and municipal laws that specify which immigrants may enter the United States** and the conditions under which those immigrants may remain.7 In Villas at Parkside Partners v. City of Farmers Branch,' the Northern District of Texas enjoined a municipal

ordinance that regulated immigrant housing.9 **The court held that federal authority preempted the municipal ordinance because the ordinance** enacted a locally **prescribed framework to determine which immigrants could rent** apartments. ° However, the court suggested that it would affirm an ordinance that deferred to federal immigration standards." **Such deference is problematic because** while border communities might prioritize immigration concerns, **regulation of immigrant housing is a national problem that requires a uniform, federal approach**. 2 **It directly implicates political functions involving foreign affairs and relations,** 3 an area where federal courts typically defer to the Executive Branch.

### Plan

#### Plan Text: The United States Federal Government should remove all restricting housing ordinances and end all legal administrations that curtail immigrant access to housing by expanding the jurisdiction of the Fair Housing Act to apply to states’ obligations to protect immigrants.

**Batson 08** Todd D. Batson, No Vacancy: Why Immigrant Housing Ordinances Violate FHA and Section 1981, 74 Brook. L. Rev. (2008). Available at: <http://brooklynworks.brooklaw.edu/blr/vol74/iss1/5>

State and municipal **governments may neither slam their front doors shut, nor gate-keep their communities by determining which immigrants may enter** and remain. 7 4 Unlawful immigration does impose costs on state and municipal governments, and border communities may very well bear those costs disproportionately. However, exporting immigration costs to neighboring communities is no solution.'75 Rather, state and municipal governments should coalesce around a unified plan and lobby Congress to address the immigration problem comprehensively. **A comprehensive regulatory framework would avoid inconsistent regulation from state and local governments**. The framework would be more likely to provide tenants and property owners notice of their legal obligations, and would provide adequate and meaningful review. Congress has the power to articulate a standard of scrutiny that addresses equal protection concerns for immigrants. A federal statute, moreover, would represent the cooperation and contributions of the nation as a whole. Since immigration policies directly implicate political functions involving foreign affairs and relations,'76 **a nationally accountable Congress is the appropriate body to address these concerns. Congress may take longer to act than state and municipal governments would like.** Thus, in the interim, state and municipal communities are likely to elect at least some politicians running "tough on immigration" campaigns. These politicians are likely to encourage state and municipal regulations of immigrant housing. Yet this Note has discussed the legal deficiencies with local regulations.'77 Because of these legal deficiencies, local **residents must challenge immigrant housing ordinances under FHA and Section 1981 V' In the end, a comprehensive, well-reasoned approach to immigration will best address the national problem, while ensuring that the United States' doors to the "tempest-tost"'79 remain open.**

### Advantage 1 is Cultural Shift

#### Rejecting immigration restrictions transforms landscapes by re-shaping social values through disruption of racial narratives and contestation of political norms.

**Lal 13** Lal, Prerna, You Cannot Live Here — Restrictive Housing Ordinances as the New Jim Crow (June 1, 2013)

**A great influx of Latino immigration has transformed how place and race is lived in America. Latino immigrants challenge the black/white binary that has long shaped U.S. race relations, and their continued migration to suburbs will likely play a transformative role in changing the urban/suburban landscape** (Price, 2012). While many Latinos continue to face concentrated poverty and live in highly segregated areas (Logan Prerna Lal 17 2010; Massey, 2007), **mass migration can radically transform both the city and suburban landscape.** As immigrant workers continue to increase in the American workforce over the next few decades, both **cities and suburbs will become new spaces of political contestation. As Latinos move from cities to suburbs, they can** expand labor market and cultural networks, and **help to integrate newly arriving immigrants into both the urban and suburban landscape.**

#### Independent of anything else, the 1AC leads to a spillover effect- rights based approach to housing is key to spurring more positive policy reform,

**Adams 08,** Kristen David (Professor of Law, Stetson University College of Law). "Do we need a right to housing." Nev. LJ 9 (2008): 275.

**Rights are more powerful than goals, policies**, commitments, and other non-rights. **One illustration of this truth is that the United States has recognized a commitment to “a decent home and a suitable living environment for every American family” dating back to 1949.162 This resolution came from President** Franklin Delano **Roosevelt’s** 1944 **State of the Union Address**, in which he urged the adoption of a “Second Bill of Rights” that would include a right to housing.163 Congress officially adopted Roosevelt’s housing goal in 1949.164 **Thus, a commitment to housing** for all persons in the United States is not an entirely new concept, but creating an affirmative right to housing **would take Congress’ previous commitment to a whole new level and require that it be met.** The 1949 commitment lacked specific goals that would have made it enforceable and meaningful.165 Currently, the United States falls far short of providing housing to every family in America who needs it; instead, only about one-fourth of those who qualify for housing assistance actually receive it.166 The 1949 commitment can therefore be seen as an example of why affordable housing goals are not sufficient. Instead, **rights are required.**167 Rights, unlike goals, tend to provide the level of specificity needed to motivate follow through. Unlike goals, rights also create grounds for litigation if no follow through is forthcoming.168 In addition to having greater power than non-rights, **rights create legitimacy for programs to enforce those rights.**169 **Having a right to housing should put the brakes on continual budget cuts for housing programs in the legislative appropriations process.170 Making housing a right may also motivate increased construction of affordable housing.171**

#### Redlining’s impacts still affect Latino and black communities today. Housing ordinances perpetuates mass income inequality. There is a historical obligation to reject racist ordinances.

**Boak 16** For minorities, pain is severe decade after housing peaked By JOSH BOAK Jun. 20, 2016 2:47 PM EDT bigstory.ap.org/article/b8ceee210bb344e68bebe95ab73faf5a/10-years-after-housing-bubble-damage-lingers-minorities

The problem is most pronounced among minorities who already had lower ownership rates before the bubble. **Actions such as "redlining" — which for decades denied loans to minorities — excluded black neighborhoods from government-backed mortgages. This made it harder for minorities to buy even as the U.S. economy surged after World War II and overall home ownership rates climbed. Many minority homeowners who bought or refinanced during the bubble eventually became trapped by predatory mortgages, some requiring no money down and monthly payments that eventually ballooned.**

**Optimism in rejecting racist laws like the plan is historically justified --- pessimism ignores specific reforms that achieved lasting reductions in racial inequality**

**Omi and Winant 13** Michael Omi (Sociologist at UC Berkeley, focusing on antiracism scholarship and Asian American studies) and Howard Winant (Professor of Sociology affiliated with the Black Studies and Chicana/o Studies departments of UC Santa Barbara), Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, Special Issue: Symposium - Rethinking Racial Formation Theory. 2013.

**They [to] dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions** and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But **such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era.** Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. **Some of the major reforms of the 1960s have proved irreversible;** they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key **civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act** (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act on 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. **These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’:** second-wave feminism, gay liberation, and the environmental list and anti-war movements, among others.

### Advantage 2 is Legal Spillover

**The 1AC would provide strong legal backing for potential lawsuits, setting a legal precedent in favor of immigrants.**

**Batson 08** Todd D. Batson, No Vacancy: Why Immigrant Housing Ordinances Violate FHA and Section 1981, 74 Brook. L. Rev. (2008). Available at: <http://brooklynworks.brooklaw.edu/blr/vol74/iss1/5>

CHALLENGING IMMIGRANT HOUSING ORDINANCES IS MOST PRACTICAL UNDER THE FAIR HOUSING ACT AND SECTION 1981 This Note argues that because of the legal deficiencies with immigrant housing ordinances, 4 the most practical challenges to them arise under FHA and Section 1981. **FHA prohibits housing practices that have a discriminatory effect on parties because of race, color, or national origin**."' Thus, **while an equal protection challenge requires proof of discriminatory intent,"' courts have interpreted FHA more broadly**." 7 Additionally, Section 1981 prohibits parties from restricting any person's right to enter a contract because of race, ethnicity, or national origin.2 8 As a result, **Section 1981 prohibits any state or municipal law that forbids a property owner or manager from entering leases with unlawful immigrants."** 9 This Note argues that in comparison to a preemption, due process or equal protection challenge, plaintiffs face a lower bar to establish wrongdoing under FHA and Section 1981. It follows that the **most practical means to challenge these immigrant housing ordinances are FHA and Section 1981.** By doing so, **plaintiffs can defeat local piecemeal efforts to regulate immigrant housing and thereby encourage a uniform, national approach to a common problem.**

Congress enacted FHA13° to provide fair housing throughout the nation and to prohibit all public and private racial discrimination in the sale and rental of real property. 3' The reach of FHA is broad, covering most dwellings and protecting any person seeking to rent or purchase a dwelling, regardless of immigration status.'32 While there is a limited exemption for single-family homes, the exemption does not extend to apartment complexes."' Thus, apartment complex owners and managers must comply with FHA provisions. **Immigrant housing ordinances injure both tenants and property owners, and both groups have standing to challenge the ordinances under FHA.'34 The ordinances harm tenants because they disparately impact minority renters**. Further, the ordinances infringe on tenants' rights to enjoy a diverse community.'35 They harm property owners and managers, in contrast, because they are too vague.'36 Property owners and managers lack sufficient notice and guidance regarding their new legal obligations.'37 Thus, **in an effort to comply with local regulations, they may incidentally violate federal laws**. Property owners and managers face a basic dilemma: they may abide by federal laws and risk violating local ordinances, or they may abide by local ordinances and risk violating federal laws.

#### Winning lawsuits can be a massive leg-up for marginalized communities stuck in poverty- between 1990 and 2001 that lead to over 150 million dollars in recovery.

**Wiki n.d.** Housing discrimination (United States), From Wikipedia, the free encyclopedia, https://en.wikipedia.org/wiki/Housing\_discrimination\_(United\_States)

The federal government has passed other initiatives in addition to the[Fair Housing Act of 1968](https://en.wikipedia.org/wiki/Fair_Housing_Act_of_1968). The[Equal Credit Opportunity Act](https://en.wikipedia.org/wiki/Equal_Credit_Opportunity_Act)of 1974 and[Community Reinvestment Act](https://en.wikipedia.org/wiki/Community_Reinvestment_Act)of 1977 helped with discrimination in mortgage lending and lenders' problems with credit needs.[[12]](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-Justice-12)The Fair Housing Amendments Act of 1988 was passed to give the federal government the power to enforce the original Fair Housing Act to correct past problems with enforcement.[[13]](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-Yinger.2C_John_2001-13)The amendment established a system of administrative law judges to hear cases brought to them by the[United States Department of Housing and Urban Development](https://en.wikipedia.org/wiki/United_States_Department_of_Housing_and_Urban_Development)and to levy fines.[[14]](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-14) **Because of the relationship between housing discrimination cases and private agencies, the federal government passed the two initiatives. The Fair Housing Assistance Program of 1984 was passed to assist public agencies with processing complaints, and the Fair Housing Initiatives program of 1986 supported private and public fair housing agencies in their activities, such as auditing.**[**[13]**](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-Yinger.2C_John_2001-13)**Between 1990 and 2001 these two programs have resulted in over one thousand housing discrimination lawsuits and over $155 million in financial recovery.**[[13]](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-Yinger.2C_John_2001-13)However, the lawsuits and financial recoveries generated from fair housing discrimination cases only scratches the surface of all instances of discrimination. Silverman and Patterson concluded that the underfunding and poor implementation of federal, state and local policies designed to address housing discrimination results in less than 1% of all instances of discrimination being addressed.[[15]](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-15)Moreover, they found that local nonprofits and administrators responsible for enforcing fair housing laws had a tendency to downplay discrimination based on family status and race when designing implementation strategies.[[16]](https://en.wikipedia.org/wiki/Housing_discrimination_(United_States)#cite_note-16)

**Independent of victory, case studies prove that litigation spurs legislation.**

Richard A. L. **Gambitta**, Chair of the Political Science and Geography Department, University of Texas-San Antonio, GOVERNING THROUGH THE COURTS, ed. Gambitta, May, & Foster, 19**81**, p. 275-276.

**Similar to the aftermath of the “winning” litiation**in Serrano and Robinson, **the losing litigation** in Rodriguez **was followed by positive,** though limited, **policy reform**and relative equalization. How did the Rodriguez litigaton contribute to the policy reform and expenditure change? I suggest, in ways similar to Serrano and Robinson. **The litigation process performed a legislative agenda-setting function.** All three cases contributed to setting a legislative agenda that otherwise would not have [276] transpired. Additionally, the **litigation processes bolstered the political positions of the advocates of change**, though the policy outcomes were tempered by, as they are always subject to and at least partially determined by, the inherent compromises of the majoritarian processes and institutions (Casper, 1972; Clune, 1979; Horowitz, 1977; Lehn, 1978; Scheingold, 1974).

**The 1AC causes a social change that moves people onto the side of immigrants.**

David **Schultz**, Vice President, Minnesota Civil Liberties Union **&** Stephen E. **Gottlieb,** Cleveland-Marshall School of Law, “Legal Functionalism and Social Change: A Reassessment of Rosenberg’s The Hollow Hope: Can Courts Bring About Social Change?” JOURNAL OF LAW AND POLICY v. 12, Winter 19**96**, p. 63+.

**Further, since law imposes social costs  n90 and affects incentives,  n91 the decision itself, without extra-judicial assistance, raised new obstacles to segregation.  n92 What once was a nearly costless behavior suddenly entailed increased litigation costs, fines, and injunctions; the threat of executive action against segregation now was increasingly real; and it now was likely that other related behaviors also would be similarly burdened.**

#### Social recognition through things like the law is key to rectifying historical injustice.

**Mills 14** Charles W. Mills, “White Time: The chronic Injustice of Ideal Theory” Du Bois Review. 2014.  
“My claim would be that **racial justice requires a** similarly profound **rethinking**, and that **the crucial normative boundary** here—the racial equivalent of the public/private demarcation—**is temporal:** the limitation of justice to the distributive and synchronic. For **if racial oppression has** indeed **been central to** the **history** and structure of the United States, or, more generally the Western “democracies” (putatively) that become Rawls’ normative reference-point, **then** the substantive normative **inclusion of** previously **excluded non-White populations** will **require[s] the correction of the disadvantages inherited** diachronically **from** that **history. Rectificatory justice will** be their priority. I suggest, then, that the Whiteness of the Rawlsian theoretical temporality as originally formulated by Rawls, and subsequently developed in the secondary litera- ture by the overwhelmingly White community of political philosophers, inheres in the simple fact that the entire apparatus is oriented towards ideal distributive justice, not non-ideal rectificatory justice. Though Rawls (1999c) asserted at the start of Theory that ideal theory was the best foundation for doing non-ideal theory, he never made good on this claim. Nowhere in the two thousand pages of Rawls’ five authored books is there any discussion of rectificatory justice (“compensatory justice” for Rawls). For the four-stage sequence to provide a theoretical entrée for such matters, a self-conscious theorization of ill-ordered societies characterized by systemic oppression would be necessary, and an explanation of how the successive raising of different layers of the veil must modify—in the transition from the original position through the constitu- tional and legislative stages to the stage of the “application of rules to particular cases by judges and administrators” (Rawls 1999c, p. 175)—the two principles so as to derive appropriate norms of compensatory justice to **remedy past wrongs and eliminate ongoing structural subordination.** But no such account is provided. Instead, Rawls (1999c) tells us that “principles [of partial compliance theory] are discussed from the point of view of the original position after those of ideal theory have been chosen” (p. 175), and directs us to section thirty-nine, where we learn only that we should prioritize the remedying of the most extreme “deviation[s] from perfect justice” guided by the “lexi- cal ranking of the [ideal] principles” (p. 216). But no details are given, unlike for “the cases of civil disobedience and conscientious refusal” (p. 175) which are discussed at length over five sections of the book (sections fifty-five to fifty-nine). Neither in Rawls nor his myriad commentators, exegetes, and disciples over the succeeding forty years has there been any attempt to work out what the principles of compensatory justice would be for “removing” (1999c, p. 216) the “pressing and urgent” injustices revealed by the final lifting of the veil, despite the fact that achieving “a systematic grasp” (p. 8) of the principles for guiding such removal was precisely the rationale for beginning with ideal theory in the first place. I submit that the complete lack of urgency about these matters makes clear that the “history” that has been permitted entry to the four-stage process is the sanitized and idealized White time of the modern Western liberal Euro-states, conceived of as “democracies” simpliciter rather than (in Pierre van den Berghe’s ([1972] 1978) famous phrase) Herrenvolk democracies, and purged of their actual history (undesirable and unacknowledged non-White time) of genocide, slavery, aboriginal expropriation, and absolutist colonial rule over people of color. **The history of racial oppression cannot be admitted into** the “socially shared **moral geography”** (Lipsitz 2011, p. 29) of the White mnemonic philosophical community, **because of its** foundational **disruption of** the notion of **society as a cooperative venture created by human[s]** beings **whose** moral **equality is reciprocally recognized.**

### Framing

#### Ideal theory strips away particularities making ethics inaccessible and epistemically skewed

Mills 05, Charles, 2005, Ideal Theory” as Ideology,

“The crucial common claim—whether couched in terms of ideology and fetishism, or androcentrism, or white normativity—is that **all theorizing**, both moral and nonmoral, **takes place in an intellectual realm dominated by** concepts, assumptions, norms, **values, and framing perspectives that reflect the experience** and group interests **of the privileged group** (whether the bourgeoisie, or men, or whites). So a simple empiricism will not work as a cognitive strategy; one has to be self-conscious about the concepts that “spontaneously” occur to one, since many of these concepts will not arise naturally but as the result of social structures and hegemonic ideational patterns. In particular, it will often be the case that **dominant concepts will obscure** certain **crucial realities**, blocking them from sight, or **naturalizing them**, while on the other hand, concepts necessary for accurately mapping these realities will be absent. Whether in terms of concepts of the self, or of humans in general, or in the cartography of the social, it will be necessary to scrutinize the dominant conceptual tools and the way the boundaries are drawn. This is, of course, the burden of standpoint theory—that certain realities tend to be more visible from the perspective of the subordinated than the privileged (Harding 2003). The thesis can be put in a strong and implausible form, but weaker versions do have considerable plausibility, as illustrated by the simple fact that for the most part the crucial conceptual innovation necessary to map nonideal realities has not come from the dominant group. **In** its **ignoring** of **oppression, ideal theory** also **ignores the consequences of oppression.** If societies are not oppressive, or **if in modeling them we can abstract** away from oppression **and assume moral cognizers of** roughly **equal skill, then the paradigmatic moral agent can be featureless. No theory is required about the particular group-based obstacles that may block the vision of a particular group.** By contrast, **nonideal theory recognizes that people will** typically **be cognitively affected by their social location, so that** on both the macro and the more local level, **the descriptive concepts arrived at may be misleading.**” (175)

#### Challenging racism is a prior ethical question to any other framework

Memmi 2k MEMMI Professor Emeritus of Sociology @ Unv. Of Paris Albert-; RACISM, translated by Steve Martinot, pp.163-165

**The struggle against racism** will be long, difficult, without intermission, without remission, probably never achieved, yet for this very reason, **it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism.** One cannot even let the monster in the house, especially not in a mask. **To give it merely a foothold means to augment the bestial part in us and** in other people which is **to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.** It is to accept the persistence of the dark history in which we still largely live. It is to agree that the outsider will always be a possible victim (and which [person] man is not [themself] himself an outsider relative to someone else?). **Racism illustrates** in sum, **the inevitable negativity of the condition of the dominated**; that is it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animality to humanity. In that sense, **we cannot fail to rise to the racist challenge.** However, it remains true that one’s moral conduct only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism because **racism signifies the exclusion of the other and** his or **her subjection to violence** and domination. From an ethical point of view, if one can deploy a little religious language, racism is “the truly capital sin.”fn22 It is not an accident that almost all of humanity’s spiritual traditions counsel respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical counsel respect for the weak, for orphans, widows or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. “Recall,” says the bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming once again someday. It is an ethical and a practical appeal – indeed, it is a contract, however implicit it might be. In short, **the refusal of racism is the condition for all theoretical and practical morality.** Because, in the end, the ethical choice commands the political choice. **A just society must be a society accepted by all.** If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

#### Oppression is created by social systems so only a focus on material conditions can solve.

Johnson no date Allan Johnson (PhD in sociology, he joined the sociology department at Wesleyan University)  http://www.cabrillo.edu/~lroberts/AlanJohnsonWhatCanWeDO001.pdf

**Privilege is a feature of social systems, not individuals**. People have or don't have privilege depending on the system they're in and the social categories other people put them in. To say, then, that I have race privilege says less about me personally than it does about the society we all live in and how it is organized to assign privilege on the basis of a socially defined set of racial categories that change historically and often overlap. The challenge facing me as an individual has more to do with how I participate in society as a recipient of race privilege and how those choices oppose or support the system itself. In dealing with the problem of privilege, we have to get used to being surrounded by paradox. Very often those who have privilege don't know it, for example, which is a key aspect of privilege. Also paradoxical is the fact that privilege doesn't necessarily lead to a "good life," which can prompt people in privileged groups to deny resentfully that they even have it. But privilege doesn't equate with being happy. It involves having what others don't have and the struggle to hang on to it at their expense, neither of which is a recipe for joy, personal fulfillment, or spiritual contentment.... To be an effective part of the solution, we have to realize that privilege and **oppression** are not a thing of the past. It's **[is] happening** right **now**. It isn't just a collection of wounds inflicted long ago that now need to be healed. The wounding goes on as I write these words and as you read them, and **unless people work to** change the system **that promotes it, personal healing** by itself **cannot be the answer. Healing wounds is no more a solution to** the **oppression** that causes the wounding **than military hospitals** are a solution **to war**. Healing is a necessary process, but it isn't enough.... Since privilege is rooted primarily in systems—such as families, schools, and workplaces—change isn't simply a matter of changing people. People, of course, will have to change in order for systems to change, but the most important point is that **changing people isn't enough**. The solution also has to include entire systems, such as capitalism, **whose paths** of least resistance **shape how we** feel, think, and **behave** as individuals, how we see ourselves and one another.

#### Use particularism- root cause claims and focus on overarching structures ignore application to material injustice.

Gregory Fernando **Pappas 16** [Texas A&M University] “The Pragmatists’ Approach to Injustice”, The Pluralist Volume 11, Number 1, Spring 2016,

The pragmatists’ approach should be distinguished from nonideal theories whose starting point seems to be the injustices of society at large that have a history and persist through time, where the task of political philosophy is to detect and diagnose the presence of these historical injustices in particular situations of injustice. For example, critical theory today has inherited an approach to social philosophy characteristic of the European tradition that goes back to Rousseau, Marx, Weber, Freud, Marcuse, and others. Accord- ing to Roberto Frega, this tradition takes society to be “intrinsically sick” with a malaise that requires adopting a critical historical stance in order to understand how the systematic sickness affects present social situations. In other words, this approach assumes that¶ a philosophical critique of specific social situations can be accomplished only under the assumption of a broader and full blown critique of soci- ety in its entirety: as a critique of capitalism, of modernity, of western civilization, of rationality itself. The idea of social pathology becomes intelligible only against the background of a philosophy of history or of an anthropology of decline, according to which the distortions of actual social life are but the inevitable consequence of longstanding historical processes. (“Between Pragmatism and Critical Theory” 63)¶ However, this particular approach to injustice is not limited to critical theory. It is present in those Latin American and African American political philosophies that have used and transformed the critical intellectual tools of ¶ critical theory to deal with the problems of injustice in the Americas. For instance, Charles W. Mills claims that the starting point and alternative to the abstractions of ideal theory that masked injustices is to diagnose and rectify a history of an illness—the legacy of white supremacy in our actual society.11 The critical task of revealing this illness is achieved by adopting a historical perspective where the injustices of today are part of a larger historical narrative about the development of modern societies that goes back to how Europeans have progressively dehumanized or subordinated others. Similary, radical feminists as well as Third World scholars, as reaction to the hege- monic Eurocentric paradigms that disguise injustices under the assumption of a universal or objective point of view, have stressed how our knowledge is always situated. This may seem congenial with pragmatism except the locus of the knower and of injustices is often described as power structures located in “global hierarchies” and a “world-system” and not situations.12¶ Pragmatism only questions that we live in History or a “World-System” (as a totality or abstract context) but not that we are in history (lowercase): in a present situation continuous with others where the past weighs heavily in our memories, bodies, habits, structures, and communities. It also does not deny the importance of power structures and seeing the connections be- tween injustices through time, but there is a difference between (a) inquiring into present situations of injustice in order to detect, diagnose, and cure an injustice (a social pathology) across history, and (b) inquiring into the his- tory of a systematic injustice in order to facilitate inquiry into the present unique, context-bound injustice. To capture the legacy of the past on present injustices, we must study history but also seek present evidence of the weight of the past on the present injustice.¶ If injustice is an illness, then the pragmatists’ approach takes as its main focus diagnosing and treating the particular present illness, that is, the particular situation-bound injustice and not a global “social pathology” or some single transhistorical source of injustice. The diagnosis of a particular injustice is not always dependent on adopting a broader critical standpoint of society in its entirety, but even when it is, we must be careful to not forget that such standpoints are useful only for understanding the present evil. The concepts and categories “white supremacy” and “colonialism” can be great tools that can be of planetary significance. One could even argue that they pick out much larger areas of people’s lives and injustices than the categories of class and gender, but in spite of their reach and explanatory theoretical value, they are nothing more than tools to make reference to and ameliorate particular injustices experienced (suffered) in the midst of a particular and unique re- lationship in a situation. No doubt many, but not all, problems of injustice are a consequence of being a member of a group in history, but even in these cases, we cannot a priori assume that injustices are homogeneously equal for all members of that group. Why is this important? The possible pluralism and therefore complexity of a problem of injustice does not always stop at the level of being a member of a historical group or even a member of many groups, as insisted on by intersectional analysis. There may be unique cir- cumstances to particular countries, towns, neighborhoods, institutions, and ultimately situations that we must be open to in a context-sensitive inquiry. If an empirical inquiry is committed to capturing and ameliorating all of the harms in situations of injustice in their raw pretheoretical complexity, then this requires that we try to begin with and return to the concrete, particular, and unique experiences of injustice.¶ Pragmatism agrees with Sally Haslanger’s concern about Charles Mills’s view. She writes: “The goal is not just a theory that is historical (v. ahistori- cal), but is sensitive to historical particularity, i.e., that resists grand causal narratives purporting to give an account of how domination has come about and is perpetuated everywhere and at all times” (1). For “the forces that cause and sustain domination vary tremendously context by context, and there isn’t necessarily a single causal explanation; a theoretical framework that is useful as a basis for political intervention must be highly sensitive to the details of the particular social context” (1).13¶ Although each situation is unique, there are commonalities among the cases that permit inquiry about common causes. We can “formulate tentative general principles from investigation of similar individual cases, and then . . . check the generalizations by applying them to still further cases” (Dewey, Lectures in China 53). But Dewey insists that the focus should be on the indi- vidual case, and was critical of how so many sociopolitical theories are prone to starting and remaining at the level of “sweeping generalizations.” He states that they “fail to focus on the concrete problems which arise in experience, allowing such problems to be buried under their sweeping generalizations” (Lectures in China 53).¶ The lesson pragmatism provides for nonideal theory today is that it must be careful to not reify any injustice as some single historical force for which particular injustice problems are its manifestation or evidence for its exis- tence. Pragmatism welcomes the wisdom and resources of nonideal theories that are historically grounded on actual injustices, but it issues a warning about how they should be understood and implemented. It is, for example, sympathetic to the critical resources found in critical race theory, but with an important qualification. It understands Derrick Bell’s valuable criticism as context-specific to patterns in the practice of American law. Through his inquiry into particular cases and civil rights policies at a particular time and place, Bell learned and proposed certain general principles such as the one of “interest convergence,” that is, “whites will promote racial advantages for blacks only when they also promote white self-interest.”14 But, for pragma- tism, these principles are nothing more than historically grounded tools to use in present problematic situations that call for our analysis, such as deliberation in establishing public policies or making sense of some concrete injustice. The principles are falsifiable and open to revision as we face situation-specific injustices. In testing their adequacy, we need to consider their function in making us see aspects of injustices we would not otherwise appreciate.15

#### The aff deploys the state to learn scenario planning- even if politics is bad, scenario analysis of politics is pedagogically valuable- it enhances creativity, deconstructs biases and teaches advocacy skills

Barma et al 16 May 2016, [Advance Publication Online on 11/6/15], Naazneen Barma, PhD in Political Science from UC-Berkeley, Assistant Professor of National Security Affairs at the Naval Postgraduate School, Brent Durbin, PhD in Political Science from UC-Berkeley, Professor of Government at Smith College, Eric Lorber, JD from UPenn and PhD in Political Science from Duke, Gibson, Dunn & Crutcher, Rachel Whitlark, PhD in Political Science from GWU, Post-Doctoral Research Fellow with the Project on Managing the Atom and International Security Program within the Belfer Center for Science and International Affairs at Harvard, “‘Imagine a World in Which’: Using Scenarios in Political Science,” International Studies Perspectives 17 (2), pp. 1-19,

What Are Scenarios and Why Use Them in Political Science? Scenario analysis is perceived most commonly as a technique for examining the robustness of strategy. It can immerse decision makers in future states that go beyond conventional extrapolations of current trends, preparing them to take advantage of unexpected opportunities and to protect themselves from adverse exogenous shocks. The global petroleum company Shell, a pioneer of the technique, characterizes scenario analysis as the art of considering “what if” questions about possible future worlds. Scenario analysis is thus typically seen as serving the purposes of corporate planning or as a policy tool to be used in combination with simulations of decision making. Yet scenario analysis is not inherently limited to these uses. This section provides a brief overview of the practice of scenario analysis and the motivations underpinning its uses. It then makes a case for the utility of the technique for political science scholarship and describes how the scenarios deployed at NEFPC were created. The Art of Scenario Analysis We characterize scenario analysis as the art of juxtaposing current trends in unexpected combinations in order to articulate surprising and yet plausible futures, often referred to as “alternative worlds.” Scenarios are thus explicitly not forecasts or projections based on linear extrapolations of contemporary patterns, and they are not hypothesis-based expert predictions. Nor should they be equated with simulations, which are best characterized as functional representations of real institutions or decision-making processes (Asal 2005). Instead, they are depictions of possible future states of the world, offered together with a narrative of the driving causal forces and potential exogenous shocks that could lead to those futures. Good scenarios thus rely on explicit causal propositions that, independent of one another, are plausible—yet, when combined, suggest surprising and sometimes controversial future worlds. For example, few predicted the dramatic fall in oil prices toward the end of 2014. Yet independent driving forces, such as the shale gas revolution in the United States, China’s slowing economic growth, and declining conflict in major Middle Eastern oil producers such as Libya, were all recognized secular trends that—combined with OPEC’s decision not to take concerted action as prices began to decline—came together in an unexpected way. While scenario analysis played a role in war gaming and strategic planning during the Cold War, the real antecedents of the contemporary practice are found in corporate futures studies of the late 1960s and early 1970s (Raskin et al. 2005). Scenario analysis was essentially initiated at Royal Dutch Shell in 1965, with the realization that the usual forecasting techniques and models were not capturing the rapidly changing environment in which the company operated (Wack 1985; Schwartz 1991). In particular, it had become evident that straight-line extrapolations of past global trends were inadequate for anticipating the evolving business environment. Shell-style scenario planning “helped break the habit, ingrained in most corporate planning, of assuming that the future will look much like the present” (Wilkinson and Kupers 2013, 4). Using scenario thinking, Shell anticipated the possibility of two Arab-induced oil shocks in the 1970s and hence was able to position itself for major disruptions in the global petroleum sector. Building on its corporate roots, scenario analysis has become a standard policymaking tool. For example, the Project on Forward Engagement advocates linking systematic foresight, which it defines as the disciplined analysis of alternative futures, to planning and feedback loops to better equip the United States to meet contemporary governance challenges (Fuerth 2011). Another prominent application of scenario thinking is found in the National Intelligence Council’s series of Global Trends reports, issued every four years to aid policymakers in anticipating and planning for future challenges. These reports present a handful of “alternative worlds” approximately twenty years into the future, carefully constructed on the basis of emerging global trends, risks, and opportunities, and intended to stimulate thinking about geopolitical change and its effects.4 As with corporate scenario analysis, the technique can be used in foreign policymaking for long-range general planning purposes as well as for anticipating and coping with more narrow and immediate challenges. An example of the latter is the German Marshall Fund’s EuroFutures project, which uses four scenarios to map the potential consequences of the Euro-area financial crisis (German Marshall Fund 2013). Several features make scenario analysis particularly useful for policymaking.5 Long-term global trends across a number of different realms—social, technological, environmental, economic, and political—combine in often-unexpected ways to produce unforeseen challenges. Yet the ability of decision makers to imagine, let alone prepare for, discontinuities in the policy realm is constrained by their existing mental models and maps. This limitation is exacerbated by well-known cognitive bias tendencies such as groupthink and confirmation bias (Jervis 1976; Janis 1982; Tetlock 2005). The power of scenarios lies in their ability to help individuals break out of conventional modes of thinking and analysis by introducing unusual combinations of trends and deliberate discontinuities in narratives about the future. Imagining alternative future worlds through a structured analytical process enables policymakers to envision and thereby adapt to something altogether different from the known present. Designing Scenarios for Political Science Inquiry The characteristics of scenario analysis that commend its use to policymakers also make it well suited to helping political scientists generate and develop policy-relevant research programs. Scenarios are essentially textured, plausible, and relevant stories that help us imagine how the future political-economic world could be different from the past in a manner that highlights policy challenges and opportunities. For example, terrorist organizations are a known threat that have captured the attention of the policy community, yet our responses to them tend to be linear and reactive. Scenarios that explore how seemingly unrelated vectors of change—the rise of a new peer competitor in the East that diverts strategic attention, volatile commodity prices that empower and disempower various state and nonstate actors in surprising ways, and the destabilizing effects of climate change or infectious disease pandemics—can be useful for illuminating the nature and limits of the terrorist threat in ways that may be missed by a narrower focus on recognized states and groups. By illuminating the potential strategic significance of specific and yet poorly understood opportunities and threats, scenario analysis helps to identify crucial gaps in our collective understanding of global politicaleconomic trends and dynamics. The notion of “exogeneity”—so prevalent in social science scholarship—applies to models of reality, not to reality itself. Very simply, scenario analysis can throw into sharp relief often-overlooked yet pressing questions in international affairs that demand focused investigation. Scenarios thus offer, in principle, an innovative tool for developing a political science research agenda. In practice, achieving this objective requires careful tailoring of the approach. The specific scenario analysis technique we outline below was designed and refined to provide a structured experiential process for generating problem-based research questions with contemporary international policy relevance.6 The first step in the process of creating the scenario set described here was to identify important causal forces in contemporary global affairs. Consensus was not the goal; on the contrary, some of these causal statements represented competing theories about global change (e.g., a resurgence of the nation-state vs. border-evading globalizing forces). A major principle underpinning the transformation of these causal drivers into possible future worlds was to “simplify, then exaggerate” them, before fleshing out the emerging story with more details.7 Thus, the contours of the future world were drawn first in the scenario, with details about the possible pathways to that point filled in second. It is entirely possible, indeed probable, that some of the causal claims that turned into parts of scenarios were exaggerated so much as to be implausible, and that an unavoidable degree of bias or our own form of groupthink went into construction of the scenarios. One of the great strengths of scenario analysis, however, is that the scenario discussions themselves, as described below, lay bare these especially implausible claims and systematic biases.8 An explicit methodological approach underlies the written scenarios themselves as well as the analytical process around them—that of case-centered, structured, focused comparison, intended especially to shed light on new causal mechanisms (George and Bennett 2005). The use of scenarios is similar to counterfactual analysis in that it modifies certain variables in a given situation in order to analyze the resulting effects (Fearon 1991). Whereas counterfactuals are traditionally retrospective in nature and explore events that did not actually occur in the context of known history, our scenarios are deliberately forward-looking and are designed to explore potential futures that could unfold. As such, counterfactual analysis is especially well suited to identifying how individual events might expand or shift the “funnel of choices” available to political actors and thus lead to different historical outcomes (Nye 2005, 68–69), while forward-looking scenario analysis can better illuminate surprising intersections and sociopolitical dynamics without the perceptual constraints imposed by fine-grained historical knowledge. We see scenarios as a complementary resource for exploring these dynamics in international affairs, rather than as a replacement for counterfactual analysis, historical case studies, or other methodological tools. In the scenario process developed for NEFPC, three distinct scenarios are employed, acting as cases for analytical comparison. Each scenario, as detailed below, includes a set of explicit “driving forces” which represent hypotheses about causal mechanisms worth investigating in evolving international affairs. The scenario analysis process itself employs templates (discussed further below) to serve as a graphical representation of a structured, focused investigation and thereby as the research tool for conducting case-centered comparative analysis (George and Bennett 2005). In essence, these templates articulate key observable implications within the alternative worlds of the scenarios and serve as a framework for capturing the data that emerge (King, Keohane, and Verba 1994). Finally, this structured, focused comparison serves as the basis for the cross-case session emerging from the scenario analysis that leads directly to the articulation of new research agendas. The scenario process described here has thus been carefully designed to offer some guidance to policy-oriented graduate students who are otherwise left to the relatively unstructured norms by which political science dissertation ideas are typically developed. The initial articulation of a dissertation project is generally an idiosyncratic and personal undertaking (Useem 1997; Rothman 2008), whereby students might choose topics based on their coursework, their own previous policy exposure, or the topics studied by their advisors. Research agendas are thus typically developed by looking for “puzzles” in existing research programs (Kuhn 1996). Doctoral students also, understandably, often choose topics that are particularly amenable to garnering research funding. Conventional grant programs typically base their funding priorities on extrapolations from what has been important in the recent past—leading to, for example, the prevalence of Japan and Soviet studies in the mid-1980s or terrorism studies in the 2000s—in the absence of any alternative method for identifying questions of likely future significance. The scenario approach to generating research ideas is grounded in the belief that these traditional approaches can be complemented by identifying questions likely to be of great empirical importance in the real world, even if these do not appear as puzzles in existing research programs or as clear extrapolations from past events. The scenarios analyzed at NEFPC envision alternative worlds that could develop in the medium (five to seven year) term and are designed to tease out issues scholars and policymakers may encounter in the relatively near future so that they can begin thinking critically about them now. This timeframe offers a period distant enough from the present as to avoid falling into current events analysis, but not so far into the future as to seem like science fiction. In imagining the worlds in which these scenarios might come to pass, participants learn strategies for avoiding failures of creativity and for overturning the assumptions that prevent scholars and analysts from anticipating and understanding the pivotal junctures that arise in international affairs.

#### Policy analysis is a key starting point because of how it perpetuates marginalization of certain groups through perpetuating an epistemology that refuses to recognize day-to-day violence. This doesn’t mean the 1AC endorses the state- rather it analyzes the state to understand the way it impacts marginalized groups.

Tickner 06—professor at the School of International Relations at USC (J Ann, “Feminism meets International Relations”, Feminist Methodologies for International Relations, p. 25-7)

An important commitment of feminist methodology is that **knowledge must** be built and **analyzed in a way that can be used** by women **to change** whatever **oppressive conditions** they face. When choosing a research topic feminists frequently ask what potential it has to improve women’s lives ( Jayaratne and Stewart 1991: 101). This means that research must be designed to provide a vision of the future as well as a structural picture of the present (Cook and Fonow [1986] 1990: 80). Feminists study the routine aspects of everyday life that help sustain gender inequality; they acknowledge the pervasive influence of gender and acknowledge that what has passed as knowledge about human behavior is, in fact, frequently knowledge about male behavior (Cook and Fonow [1986] 1990: 73). Feminists claim that what is called “common sense” is, in reality, knowledge derived from experiences of men’s lives, usually privileged men. Importantly, “male behavior” and “men’s lives” are highly dependent on women and other subordinate groups playing all kinds of supportive roles in these lives and behind this behavior; for if there were only (privileged) men, their lives would surely be different. **Designing research useful to women involves** first **deconstructing** previous **knowledge based on these androcentric assumptions**. Joyce Nielsen suggests that feminist research represents a paradigm shift in the Kuhnian sense in that it sees women, rather than just men, as both the subject matter and creators of knowledge. This leads to anomalies or observations that do not fit received theory. For example, the periodization of history and our understanding of the timing of progressive moments do not always fit with periods that saw progress for women (Nielsen 1990: 19–21). Nielsen outlines the way in which androcentric theories have been used to explain the origins of human society. In the focus on “man the hunter,” man’s (sic) origins were associated with productive rather than reproductive tasks. Men were seen as responsible for organizing human life, and women’s roles as gatherers and reproducers were completely ignored. Nielsen claims that these partial stories are not good science; it follows, therefore that objectivity depends on the positionality of the researcher as much as on the method used, a claim that contradicts the depiction of science as a foolproof procedure that relies on observation// to test theories and hypotheses about the world (Nielsen 1990: 16–18). To this end, Sandra Harding claims that a distinctive feature of feminist research is that it uses women’s experiences as an indicator of the “reality” against which conventional hypotheses are tested and unconventional questions are formulated (Harding 1987: 7). Feminists have also claimed that knowledge based on the standpoint of women’s lives, particularly marginalized women, leads to more robust objectivity, not only because it broadens the base from which we derive knowledge, but also because **the perspectives of “outsiders**” or marginalized people **may reveal aspects of reality obscured by more orthodox approaches to knowledge-buildin**g.13 Designing IR research of use to women involves considerable paradigm shifts. While the role of women as reproducers, caregivers, and unpaid workers has been largely ignored in conventional economic analysis, it is central to feminist concerns. Marilyn Waring has documented how national income data ignore reproductive and caring tasks. She describes the daily routine of a girl in Zimbabwe who works at household tasks from 4am to 9pm but who is officially classified as “economically inactive” or “unoccupied” (Waring 1988: 15–16). Yet national income data, which ignore these reproductive and caring tasks, are used by political elites to make public policy. IR feminists have highlighted the role of domestic servants and home workers; although, since the Industrial Revolution, the home has been defined as a feminine space devoid of work, feminists have demonstrated how women in all their various productive and reproductive roles are crucial to the maintenance of the global capitalist economy (Chin 1998; Pru¨ gl 1999). Making visible that which was previously invisible has led IR feminists to investigate military prostitution and rape as tools of war and instruments of state policy (Moon 1997; Enloe 2000). **This leads** not only **to redefinitions of** the meaning of security but also to an understanding of **how the security of the state** and the prosperity of the global economy **are frequently dependent on the insecurity of certain individuals’**, often women’s,. In lives bringing to light these multiple experiences of women’s lives, feminist researchers also claim that the research they conduct cannot and should not be separated from their identities as researchers.

### Underview

#### Don’t vote on theory about our AFF being substantively hard to answer: a) They punish the AFF for doing good research, which kills fairness since the AFF is expected to find the best args for their side and the neg doesn’t get to choose exactly what ground they want as long as they have ground – their interp justifies shells like “may not read good cards because they’re slightly harder to answer” b) Specific plans are good- they check back against neg side bias and create more variance. That outweighs- recent empirics prove neg side bias is massive in elims, meaning I need new specific plans to compensate.

Adler 15, Are Judges Just Guessing? A Statistical Analysis of LD Elimination Round Panels by Steven Adler http://nsdupdate.com/2015/03/30/are-judges-just-guessing-a-statistical-analysis-of-ld-elimination-round-panels-by-steven-adler/

Yet a plausible objection here might be that maybe the elimination round data need to be further segmented. For instance, perhaps the data do not meet this randomization because judges can easily distinguish between winners and losers in early elimination rounds, which typically contain more-lopsided matchups, but that in late elimination rounds the decision is much murkier. In fact, I find some support for this hypothesis, though it may be an artifact of a smaller sample-size for this segment.To evaluate this hypothesis, I replicated the above analysis, but pared down to the 36 coded rounds that took place in quarterfinals or later. In these rounds, the Neg side-bias was even more pronounced, with Neg win[s]ning 61% of elimination rounds, so the ‘expected’ randomization rate on ballots to achieve such an overall win-rate would be 57% for the Neg and 43% for the Aff. This creates the following expected distribution, compared to the actual observed distribution for these late elimination rounds:

#### Topicality and theory about my advocacy is an RVI- a) only the negative has access to T ground so to make it reciprocal, I should get to win on T too via an RVI. b) with only 3 minutes to respond to a 6 minute 2NR I need to be able to collapse on the highest layer. 1AR theory cannot solve because I don’t have time in the 4 minute 1ar.

#### Should the aff read 1AR theory or a counter interp, it’s legitimate and a reason to drop the debater—its key to aff strat since the neg has no incentive to not be abusive since they can just go for drop the arg and win off time skew screwing over the 1AR. And neg abuse outweighs aff abuse- there’s a side bias against me meaning neg is proactively worse- also implies competing interps on 1ar theory since there is no reasonable neg abuse in a world where they already have the advantage.

#### A right to housing necessitates an end to housing discrimination.

The Yogyakarta Principles. “THE YOGYAKARTA PRINCIPLES on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity”. <http://www.yogyakartaprinciples.org/principles_en.htm> RC

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### Extra Cards

#### This reflects the power of white supremacy - exclusion of those deemed “Other” in neighborhoods maintains a racial hierarchy by creating a social order based on spatial distance.

**Dwyer 2k** White Socio-Spatial Epistemology Article in Social & Cultural Geography 1(2):209-222 · January 2000 with 132 Reads DOI: 10.1080/14649360020010211 1st Owen J. Dwyer 13.11 · Indiana University-Purdue University Indianapolis 2nd J.P. Jones 31.86 · The University of Arizona

For us, **whiteness’s social epistemology can be located precisely in its opposition to this relational understanding of subjectivity. As an asserted positivity (i.e. ‘I am White’), whiteness presents itself as a self-actualized achievement, realized in the absence of an Other. The social distancing documented in studies of whiteness (e.g. Roediger 1992) depends upon this independent conception of identity, and this, in turn, protects whiteness from destabilization.** In lieu of any recognition of the constitutive trace of the racialized Other, white America resorts to hegemonically reproduced claims about a shared European heritage, afliated genetic stock or ‘bloodlines’, and a common national experience to account for its existence. Whiteness’s social epistemology has a spatial parallel. This also operates non-relationally, with space understood as being comprised of discrete and bounded objects and spatio-temporal units that can be readily delineated, known and assigned ‘attributes’. Writing about mainstream spatiality more generally, Dixon and Jones (1998) describe three co-ordinates of this mechanistic and segmented spatial epistemology. First, Cartesian perspectivalism (Jay 1992) lineates the world with respect to a single point. **This marking of space is a precondition for the assignment of subjects to social space, itself a marker of white privilege** (Frankenberg 1993; hooks 1992). Second, ocularcentrism ‘privileges vision from [this] elevated vantage point from which the world may be surveilled in its totality’ (Dixon and Jones 1998: 252). At this visionary point one is as likely to nd— relative to any other constellation of identity— the omniscient white (male) subject, secure in his position as a surveyor of the social terrain. Third, these two moments cohere in the epistemology of the grid, a spatial procedure for segmenting social life such that it can be measured and interrogated (Dixon and Jones 1998: 251; also see Gregory 1994). This tripartite framing is the epistemological foundation for all manner of socio-spatial boundaries. Although this spatial epistemology predates whiteness, it has come to work in the service of it. **The grid epistemology offers whiteness a rich set of discursive categories, most signicantly: scale (nation–region–locality– neighbourhood); boundaries (of nation, home/ workplace, public/private); and extensivity (distance, direction, connectivity, mobility). In everyday invocations of these categories, both white and Other subjects reify social space, locating social subjects and attributing characteristics to places**. This process of categorical naturalization is the spatial correlative of whiteness’s non-relational social epistemology. In its solidication, **it underwrites private property and the construction and orderly maintenance of segmented social space, from gated communities to redlined districts**, from nature ‘preserves’ (including, for example, all-white golf courses) to ofce towers (white by day, White socio-spatial epistemology 213 brown and black by night).

#### Even strongly anti-interference people agree we need aggressive enforcement of anti-discrimination.

Peter D. **Salins 98,** [Provost and Vice Chancellor for Academic Affairs of the State Univer- sity of New York], “Comment on Chester Hartman’s “The Case for a right to housing”: Housing is a right? Wrong!”, Housing Policy Debate, 9:2, 1998.

There is a policy alternative to a universal housing entitlement. The most persuasive of the housing advocates’ arguments for a government role in housing is that **not all households are well served by the private housing market.** First, **there unquestionably remains some degree of racial discrimination** in the sale and leasing of housing **that needs to be overcome. The best way to do so** **is** not with housing subsidies or by sit- ing low-income housing developments in middle-income neighborhoods, but **through aggressive enforcement of antidiscrimination laws**.

#### inherency - does not matter supreme court ruled - plan implement federal law - 50 states empirically have not complied- we are making them comply

## AT Build Houses

#### Counter-Interp: The affirmative may defend the right to housing as a negative right as long as they a) defend a policy of enforcement with a qualified solvency advocate, b) the plan is inherent.

#### Solvency advocate means no abuse- you can cut cards in the lit- someone argues it. My solvency advocate is Batson 8

#### Inherency solves all the abuse- ordinances exist for a reason- someone likes them- cut the legal justifications for ordinances in the topic lit- the fact that every state allows them means you probably have amazing ground.

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#### My interp is not part of the topic, it is the topic. Means no abuse on my part and is terminal defense to all their offense. Even if it might not give them ideal ground, that just means that it’s a shitty topic, not that I was abusive.

#### And, prefer my interp independently:

#### 1. Legal precision and field context. The American legal system is founded on negative rights—the courts have struck down any positive right to housing.

Gezim Bajrami 13 (legal scholar). “Negative Constitutional Rights in America versus Positive Constitutional Rights in Other Democratic Nations and Why Our System Should Not Change”. Seton Hall University, 2013. RC

In terms of results, **debate over positive and negative rights in the United States has been more productive in academia than** it has **in** the **courts.** 1 **Judicial opinions have remained** ·· remarkably **consistent with the principle that "the constitution is a charter of negative** rather than positive **liberties**."2 Time and time again, **the** U.S. **Supreme Court has ruled that the government has no affirmative constitutional obligations to the public**. All in the previous fifty years, **the court has denied the right to decent housing** , the right to public education4 , the right to medical care5 , and the right to welfare6 • **The Supreme Court solidified the negative rights theory even further with** its decision **in DeShaney v. Winnebago** County Department of Social Services. In DeShaney, **the Court held that a local social service agency could not be held liable for failing to remove a child from the custody of his father, despite substantial evidence of the father's violent tendencies.** 7 At its core, DeS haney means that the constitution's **Due Process** Clause **imposes no affirmative obligations on state government.** 8 Thus, DeShaney is "perhaps the court's strongest statement sanctioning the negative rights theory as the official guiding principle by which demands for government action will be measured. " 9

#### Impacts: a) I get crap solvency- there’s a reason nobody will defend positive rights in the constitution- it can’t happen b) you win the rollback DA every time sicne it will always fail. Positive rights have NEVER happened in the US.

#### 3. The right to housing is debated as a negative right in implementation so the plan is core to both neg disads and mechanism education.

**Morais 05** Lochner Marais (PhD, University of the Free State, Bloemfonte Professor) in Social Policy) & Johannes Wessels, Housing Standards and Housing Rights: The Case of Welkom in the Free State Province, 16 URB. F. 17, 20 (2005)

In general, it seems as if **the right to housing does not mean that governments are supposed to construct houses for the entire population** (Leckie, 1990; Kok and Gelderblom, 1994). Rather, **it is more concerned with the obligation of the state not to act in a way that will undermine the opportunity of households to gain access to housing**. For example, making laws or regulations that undermine access to housing will not be conducive to the furtherance of the right to housing. In terms of established informal settlements, **the right to housing would probably have the implication that one may not remove informal settlers without providing alternative accommodation** and without meeting all of the legal requirements. Furthermore, **it probably also requires the state to develop an implementation plan as to how it will ensure that this right** is upheld.

#### Cross apply their voters – I have a stronger strength of link

#### Cross Apply my 2nd point in my Under View. I get an RVI

#### Cross Apply my 3rd point in my Under View. Drop the neg for this shell

**1. Being semantically in line with the resolution controls the internal link to education.**

**Nebel 15** Jake “The Priority of Resolutional Semantics” vbriefly February 20th 2015 <http://vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/>

1.1 The Topicality Rule vs. Pragmatic Considerations There is an obvious objection to my argument above. If the topicality rule is justified for reasons that have to do with fairness and education, then shouldn’t we just directly appeal to such considerations when determining what proposition we ought to debate? There are at least three ways I see of responding to this objection. One way admits that such pragmatic considerations are relevant—i.e., they are reasons to change the topic—but holds that they are outweighed by the reasons for the topicality rule. **It would be better if everyone debated the resolution as worded**, whatever it is, **than if everyone debated whatever subtle variation** on the resolution **they favored**. **Affirmatives would unfairly abuse** (and have already abused) **the entitlement to choose their own unpredictable adventure**, and **negatives would respond** (and have already responded) **with strategies that are designed to avoid clash**—including an essentially vigilantist approach to topicality in which debaters enforce their own pet resolutions on an arbitrary, round-by-round basis. Think here of the utilitarian case for internalizing rules against lying, murder, and other intuitively wrong acts. As the great utilitarian Henry Sidgwick argued, **wellbeing is maximized not by everyone doing what they think maximizes wellbeing, but** rather (in general) by people **sticking to the rules of common sense** morality. **Otherwise, people are more likely to act on mistaken** utility **calculations** and engage in self-serving violations of useful rules, thereby undermining social practices that promote wellbeing in the long run. **That is exactly what happens if we reject the topicality rule in favor of direct appeals to pragmatic considerations**.

#### 2. Hartman evidence does not say building houses is key for a Right to Housing, it just list potential ways to interpret the right, prefer my evidence. His interp has no warrant

#### 3. Your Hartman evidence is miscut. Look closely at the card, it lists multiple things that would be good to secure a right to Housing. He only argues I need to build a house, proves he miscut the card

#### Ground – I have sufficient evidence provided throughout the entire AC and this shell that proves the topic talks about way more than just literal houses. This topic has convicts aff, forced evictions aff, Savin stock aff, cypress woods ipv aff, strake one strike aff. Empirically proven by the wiki that his ground claim is false.

#### Limits- Disclosure solves back. This aff is disclosed on my teammates wiki. Westwood has a huge team and strake has 3 affs, they could have easily prepped it out. Turn – many different ways to make physical houses so you would have to prep those out as well. You do no weighing – I have a stronger link to education

#### Advocacy Skills – I defend implantation, solves the entire standard

## AT Patriarchy Da

**1. Extend my Lal 13 – the evidence indicates the aff has a terminal shift. Solves the terminal impact of the DA**

**2. You power tagged your UHCHR 13 evidence. It talks about the entire UN, it never says U.S. explicitly. Your evidence includes areas of the world were women have no rights, places like Saudi Arabia. This is not representeve of the U.S.**

**3. Extend Adams 8 – A right approach is uniquely key in the U.S. for positive policy reform.**

**4. Extend Batson 8 and wiki n. d. Aff’s focus on lawsuits sets legal president that favors liberal beliefs. Key for fighting the patriarchy**

**5. Cannot fight the patriarchy if we are living on the streets, a house is a prereq**

## AT Courts DA

**1. No link to the DA. Supreme Court already ruled my aff should happen.**

**ACLU**, 3/3/2014, <https://www.aclu.org/news/us-supreme-court-lets-stand-lower-court-rulings-prohibiting-anti-immigrant-housing-ordinances>

**The U.S. Supreme Court** today declined to hear two prominent cases involving anti-immigrant local ordinances in Hazleton, Pennsylvania and Farmers Branch, Texas that would have denied housing to immigrants that the cities considered "illegal aliens." The **decision will let stand lower court rulings in the 3rd and 5th Circuits, respectively, that found the ordinances unconstitutional and permanently prohibited the ordinances from taking effect.**

Comment from Omar Jadwat, supervising attorney, ACLU Immigrants' Rights Project:

"The Hazleton and Farmers Branch anti-immigrant ordinances have repeatedly been found unconstitutional by federal trial and appeals courts. Today, **the ordinances' supporters failed in their final, last ditch attempt to resurrect these law**s, which have been blocked for years without ever going into effect. Now that **these appeals are over**, we look forward to Farmers Branch and Hazleton joining cities across the nation that are looking at ways to make their cities welcoming places for immigrants, rather writing hostility and discrimination into municipal law."

Comment from Foster Maer, senior attorney, LatinoJustice PRLDEF, and co-counsel in the Hazleton case:

"Hazleton's Latino community, the target of Hazleton's anti-immigrant ordinances, can finally breathe a sigh of relief after 7 years. The Town can no longer target them for harassment and expulsion. Though Latinos across the country can also feel heartened that their towns can no longer take similar acts against them, they now must remain on guard as anti-immigrant forces will come up with new ways to try to drive them out."

**The Supreme Court Ruling has not been enforced anywhere in the SQUO. The aff plan ensures enforcement of the Supreme Court ruling. In order for a removal of these ordinances their needs to be an action taken by the U.S. government.**

**2. Fiat solves**

## AT Positive Right

#### Counter-Interp: I can only defend ending housing ordinances and curtailing of immigrant access to housing.

#### Solves limits - one aff.

#### Second Counter-Interp: The affirmative may defend the right to housing as a negative right as long as they a) defend a policy of enforcement with a qualified solvency advocate, b) the plan is inherent.

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#### Ground. They kill aff ground—they force the aff to defend things like monetary handouts, which explodes neg DA ground since the US is already in massive debt. Also, different concepts on what constitutes a house means that there is no way for the aff to give everyone a house, just to ensure they have the opportunity to if they want to. At worst non-uniques your offense on ground.

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